

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.235 OF 2007
IN
NOTICE OF MOTION NO.985 OF 2007
IN
S.C.SUIT NO.879 OF 2007

Ayodhya Prasad Mukhi Yadav	Appellant
versus	
Ram Surat Mukhi Yadav & ors.	Respondents

Mr.O.P.Singh for appellant.
Mr.A.Y.Sakhare with P.M.Shah for respondent no.1.
Mr.R.U.Singh for respondent no.2.

CORAM : A.S.OKA, J.

DATE : 28th March 2007

PC :

1. Heard advocate appearing for the appellant. The appellant is the original plaintiff. The learned Trial Judge has declined to grant ad-interim injunction in favour of the appellant herein. One of the grounds on which the ad-interim injunction is refused is that under writing dated 24th July 1992 the appellant has accepted a sum of Rs.4.50 lakh. A perusal of the plaint shows that though the appellant has referred to the document dated 24th July 1992, he

has not disputed that the a sum of Rs.4.50 lakh is received by him.

2. I find no error in the order refusing ad-interim relief. Hearing of the Notice of Motion deserves to be expedited. Any transactions effected during pendency of the Notice of Motion will be naturally subject to the final order passed in the Notice of Motion. Hence, I pass following order.

3. Order :-

(a) Appeal from Order is dismissed with no orders as to costs;

(b) Notice of Motion No.985 of 2007 is expedited and the same shall be disposed of within a period of three months from today;

(c) All further transactions made in respect of the suit property shall be subject to further orders which will be passed in the Notice of Motion;

(d) All contentions of the parties in the pending Notice of Motion and the suit are expressly kept

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open and the Trial Court will decide the Notice of Motion and the suit without being influenced by the confirmation of ad-interim order passed by this Court;

(e) In view of dismissal of Appeal from Order, Civil Application No.348 of 2007 does not survive and stands dismissed as such.

(A.S.OKA, J.)